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TAGS: [PGOV](#) [PREL](#) [MAAR](#) [ASEC](#) [KPKO](#) [UN](#) [TT](#)
SUBJECT: USG ENGAGEMENT WITH TAUR MATAN RUAK

REF: A) 2006 DILI 517 B) DILI 120

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CLASSIFIED BY: Major Ron Sargent, US Defense Representative,
U.S. Embassy, Dili, East Timor, Department of Defense.
REASON: 1.4 (b), (d)
Summary

1. (C) In October 2006, a UN commission of inquiry recommended that the Timor Leste judicial authorities prosecute Brigadier General Ruak, chief of the local defense force, as a result of his actions during the spring 2006 crisis. The Timor Leste prosecutors reportedly began an investigation, but indicated to us that it may be shelved due to lack of evidence. Meanwhile, both our Australian allies and the leadership of the United Nations in Timor maintain strong and active engagement with BG Ruak - the Australians have invited him to a Pacific Armies conference in Sydney in August 2007. As a respected member of the political leadership in East Timor, we believe that interaction with Ruak is essential in order to reform the Timor security sector, including the evolution of its military in the medium term towards modest national and coast guards. To this end, we recommend that BG Ruak be invited to PACOM's October 2007 Chiefs of Defense Conference. We would immediately reassess our engagement should the Timor prosecutors at some point in the future hand down an indictment against Ruak. End Summary.

Future USG engagement with Brigadier General Ruak

2. (C) The UN Commission of Inquiry (COI) report on the Timor Leste crisis of May/April 2006 recommended that Brigadier General Taur Matan Ruak, Chief of the Timor Leste Defense Force (F-FDTL), be prosecuted for distributing weapons to civilians at the height of the conflict. The COI also recommended that some sixty other individuals be prosecuted for separate actions. While there may have been mitigating factors to help explain TMR's actions at the height of the April/May 2006 crisis, the

allegations suggest serious lapses of judgment and leadership. This poses a question for the USG: when and to what end do we engage with TMR as long as he remains subject to possible indictment and prosecution?

13. (C) The COI itself emphasized that it was "neither a tribunal nor a prosecuting authority." Its recommendations remain just that: recommendations to the Timor Leste judicial authorities. Very senior contacts in the government of East Timor Office of the Prosecutor General (OPG) indicate they may shelve their investigation of TMR's actions due to a lack of evidence. Atul Khare, the UN Special Representative of the Secretary General (SRSG) in Dili, told the Ambassador on July 20 that the UN is intent on assisting the OPG complete all its investigations and, to this end, will soon dispatch one additional international staff from Geneva and will launch a fundraising appeal to further augment OPG resources. In any case, in a strict legal sense, although an investigation may/may someday lead to an indictment and prosecution, TMR currently is subject to neither.

14. (C) Within Timor Leste's very small pool of effective leadership, TMR stands out as a highly respected leader deriving from his 25 years of active resistance against the Indonesian occupation in the mountains of Timor. He is seen as a peer by President Ramos-Horta, former President Gusmao and the rest of the local political elite, and his counsel has been solicited as this leadership strains to form a new government. Although TMR indicated in 2005 interest in resigning his command perhaps to pursue political aspirations of his own, he is fully expected to continue to serve as commander of the F-FDTL in the new government. During the past electoral cycle, TMR stoutly ensured the military's political neutrality. In a conversation with the Ambassador, SRSG Khare assessed TMR as being in command of his troops and, when contacted by Khare with a request, quick to act and effective.

To what end should we engage TMR?

15. (C) Timor Leste's military organization is in tremendous need of further professionalization and clarification of its mission.

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Together with our Australian allies we can assist through interaction with other elements of the F-FDTL leadership, but engagement with TMR is critical given his stature and command of the organization. Our goal, in coordination with Australia and the UN, should be to urge the F-FDTL to a medium term evolution towards a national guard and a proper coast guard relevant to Timor's needs. Given the absurd, outlandish Force 2020 proposal that TMR has at least formally embraced, we will need to be patient and persuasive in helping to redefine the country's future force structure. But at present we can only do this through engagement with TMR himself.

16. (C) Our allies, the Australians, with more than a thousand active troops on the ground in Timor Leste, continue to interact with Brigadier General Ruak. In recent conversations with the ambassador, both the Australian ambassador and the soon-to-depart International Security Force commander characterized their interaction with TMR as close and improving. Accordingly, the GOA has invited TMR to the August 6-9, 2007, Pacific Armies Commanders' Conference in Sydney (co-hosted by the U.S.). In the case of the UN, with 1600 police personnel in-country, SRSG Khare told the ambassador he is in regular contract with TMR and has repeatedly relied on him for effective assistance in keeping the peace.

Recommendation

17. (C) We recommend the USG continue its engagement with BG Taur Matan Ruak with the objective of encouraging his leadership in the reform of Timor's security sector, including the role and mission of the F-FDTL. Our engagement should include an invitation to TMR to attend PACOM's 2007 Chiefs of Defense

(CHOD) Conference.

¶8. (C) We will immediately reassess this recommendation should the Timor Leste Office of the Prosecutor General at some point in the future decide to indict TMR and again if such an indictment lead to his prosecution. We would also make a reassessment should the Embassy independently obtain evidence that would substantially alter our view of TMR's actions in 2006 or at any other time.

Additional background

¶9. (U) Below find additional background on the events of May/April 2006 and TMR's role drawn primarily from the COI report, as well as our own sources and observations during that period. We also provide detail on the status of the Prosecutor General's consideration of the COI recommendations.

¶10. (U) The United Nation's Special Commission of Inquiry (COI) was established following an invitation from then-Minister of Foreign Affairs and Cooperation Jose Ramos-Horta to the UN Secretary General. Its mandate, outlined in UN Security Council

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Resolution 1690, was to establish the facts and circumstances of the incidents that took place on April 28-29, and May 23-25, 2006, and related events or issues that contributed to the crisis. Additionally, it was to clarify responsibility for those events, and recommend measures of accountability for crimes and serious violations of human rights committed during these periods. It is important to note that the COI itself in its final report emphasized that it was "neither a tribunal nor a prosecuting authority. It makes no conclusions about the guilt beyond reasonable doubt of specific persons. Rather, it identifies individuals reasonably suspected of participation in serious criminal activity and recommends that these people be prosecuted under the domestic law."

¶11. (C) The COI's report addressed two key events involving the F-FDTL: its intervention in response to the April 28 riots, during which there were allegations that a massacre had been carried out and then covered up; and the May 25 incident in which soldiers opened fire on unarmed national police (PNTL) being evacuated from their headquarters under UN escort.

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Regarding the events of April 28, the COI found that the Government failed to follow the requisite legislative procedures in calling out the F-FDTL, but that there was no massacre as alleged. (Note: TMR was out of the country at the time the decision was taken and was not consulted.) Regarding the events of May 25 the COI found that, although TMR failed to exhaust all avenues to prevent or stop the F-FDTL versus PNTL conflict, he could not be held criminally responsible for the shooting of the unarmed PNTL officers by F-FDTL soldiers. However, the report included a recommendation that TMR be prosecuted for distributing weapons to civilians. This was based on an order TMR gave on May 24 to arm 206 civilians, a group which comprised a large number of ex-FALINTIL guerilla fighters and 64 National Police (PNTL) officers who had sided with F-FDTL only days prior. The order was given with the knowledge of then-Defense Minister Roque Rodrigues, likewise recommended for prosecution, and possibly of then-Prime Minister Mari Alkatiri. Eleven of the thus armed individuals were tasked by TMR to conduct security operations on May 25 in Central Dili near F-FDTL's operational headquarters. These individuals, including the leader of this group - a well-known ex-FALINTIL fighter known as Oan Kiak - were also recommended by the COI for prosecution as a result of a murder and a shooting injury which occurred at this site. (Oan Kiak's case remains under investigation and is expected to eventually result in indictment.)

¶12. (C) East Timor's Office of the Prosecutor General (OPG) has been slowly tackling the COI recommendations, in some cases pursuing indictments and in others determining that there is

insufficient evidence to do so. (The OPG's is operating with extremely constrained personnel resources, with only two international prosecutors assigned to the COI cases.) Recently, the Deputy Prosecutor General, Ivo Valente, whom Post and other international observers regard highly, informed us that the OPG will soon conclude its investigation of TMR. Valente stated that based on present information, the OPG is coming to the conclusion that TMR did not take steps to intentionally break the law, and would "likely not pursue an indictment against TMR due to lack of evidence". Instead, he said, the case will likely be archived soon.

¶13. (SBU) UN SRSG Khare told the ambassador on July 20 that a UN staff member from Geneva will soon be dispatched to the OPG to assist investigations flowing out of the COI report. In addition, Khare said that an international donor appeal would be launched in the fall/winter of 2007 to raise \$6 million to further augment the OPG with international judicial expertise to conclude investigations on all COI recommendations. Khare said it is the UN's policy to stress to the OPG that all recommendations must be fully investigated. In the meantime, as long as TMR remains unindicted, Khare's personnel engagement with the commander is regular and unconstrained.

¶14. (C) Post notes that TMR's decision to arm 206 individuals who were not members of the F-FDTL was ill-considered and ultimately served to further inflame an already violent and complicated situation. It can be viewed in the broader context of the state of an institution still in transition from a resistance / guerilla organization to a national defense force and the circumstances in which the decision was taken. By mid-May 2006, Timor Leste had seen the desertion of over 600 disaffected soldiers—a loss of nearly 40 percent of the defense force. At the same time, TMR was contemplating the rise of a multiplicity of dissident forces to include the military petitioners, the well-armed Major Alfredo Reinado Group, and a mix of other dissidents. Many in these groups aligned themselves against F-FDTL because of claims of discrimination within its ranks, and because it intervened on the basis of illegal orders on April 28-29. At the time, accusations that the F-FDTL had carried out a massacre on April 28-29 (an allegation for which the COI found no basis) were further focusing anti-F-FDTL sentiment. Rumors of impending attacks and gathering dissident forces in the hills were rife, causing Dili residents to stream out of the city, and as it turned out were not entirely unfounded. Without question, TMR's defense force was in shambles, and his ability to manage its many challenges

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was faltering. In addition, PNTL units around Dili were splintering along similar regional and political lines.

¶15. (C) On May 23 the dissident group led by Major Alfredo Reinado, who had left his post as commander of the military police only 20 days earlier, opened fire on F-FDTL in the hills overlooking East Dili initiating a deadly exchange causing losses on both sides. On May 24, the armed conflict in and around Dili widened to include hours of battle between various dissident forces in the hills West of Dili and the F-FDTL headquarters at Tasi Tolu, which at the time appeared to be the target of attack. On the same day, TMR's home in Dili was attacked while his family, including young children, was in the house. In this context, as TMR himself stated to COI investigators, it had become obvious to him that his defense force lacked the capacity to manage these near simultaneous attacks, and he was becoming increasingly concerned about the lack of control his defense force was able to project both in Dili and the surrounding countryside. These were the circumstances in which he made the call to arm what he saw as a "reserve" force comprising primarily former resistance fighters loyal to him. As he saw it, the capital city appeared to be surrounded by several hundred rebels in the hills and was on the brink of chaos. Of the 850 or so soldiers still with the defense force at this time, TMR probably had at his disposal no more than 400-600.

¶16. (C) TMR has always characterized his decision on May 24 as focused on the arming of "reservists", and not of "civilians", and therefore not illegal. F-FDTL originally was supposed to comprise 1,500 active troops consisting of a mix of ex-FALINTIL guerillas and new recruits, and 1,500 reservists consisting primarily of ex-FALINTIL guerillas and clandestine operatives. Although this reserve force had yet to be formally constituted, it is clear from TMR's statements following the May 23-25 period that he regarded it as a reality. From their shared roots in the 24-year struggle against the Indonesian occupation, TMR and his "reservists" already possessed a relationship that transcended in their view the need for a formal organization. Virtually all of the weapons issued under TMR's orders were recorded and returned shortly thereafter.

¶17. (C) TMR bears responsibility for leadership of the institution during this period. That said, he had to maneuver in a situation in which the F-FDTL was severely constrained as an institution by incompetence and neglect by the Ministry of Defense; where other national leaders endeavored to push F-FDTL into becoming more of a political actor than a national and impartial force; and while F-FDTL sought to transition from a resistance / guerilla force to a national defense force. Moreover, it should be noted that following the violent events of May 2006, TMR maintained F-FDTL discipline. For example, F-FDTL fully observed political neutrality during the three election rounds despite a tense and at times violent campaign environment.

¶18. (C/NF) While fully acknowledging the F-FDTL role in last year's crisis and the long-term challenges of the institution, the Government of Australia has continued full engagement with all facets of the Timorese defense establishment. This reflects both a conviction that close engagement is the only way to influence the institution's direction, and the concern that disengagement would only push the F-FDTL further into the arms of less conscientious donors such as Beijing. During the height of the crisis, uniformed Australian military Defense Cooperation Program (DCP) advisors were both near TMR and imbedded within the F-FDTL hierarchy. They have consistently proven able to offer clear insights into the Timorese decision-making processes occurring throughout last year, and corroborate the above portrayal of TMR's actions. Australian officials in Dili continue to convey to us that the GOA remains fully committed to its support of F-FDTL, and acknowledge that a key aspect of this is their continued close engagement of TMR. Most recently, the Australian Ambassador confirmed that the GOA invited TMR to the August 6-9 Pacific Armies Commanders' Conference in Sydney to be co-hosted by Australia and the U.S.

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